

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY                      D.C.  
05 JUN -2 PM 2:27

In Re ACCREDO HEALTH, INC.  
SECURITIES LITIGATION,

ROBERT H. DI TROLIO  
CLERK, U.S. DIST. CT.  
W.D. OF TN, MEMPHIS

Civil Action No.: 03-2216-BP

**CLASS ACTION**

This Document Relates to:

ALL ACTIONS

**JOINT CASE MANAGEMENT STATEMENT  
AND RULE 16(b) SCHEDULING ORDER**

The parties to the above-entitled action jointly submit this Case Management Statement and [Proposed] Rule 16(b) Scheduling Order and request the Court to adopt it as the Case Management Order in this case. The Joint Case Management Statement and [Proposed] Rule 16(b) Scheduling Order follows the template provided by this Court.

**DESCRIPTION OF THE CASE**

This is a shareholder class action brought on behalf of all persons and entities who purchased Accredo Health, Inc. ("Accredo" or the "Company") securities between June 16, 2002 and April 7, 2003 (the "Class Period"), and who were allegedly damaged thereby. This action arises from Accredo's alleged failure to adequately reserve for the accounts receivable associated with the Company's acquisition of the Specialty Pharmacy Services division ("SPS") of Gentiva Health Services, Inc. The claims against Accredo and defendants David D. Stevens and Joel R. Kimbrough arise under Sections 10(b) of the Securities and Exchange Act of 1934 ("Section

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10(b)”) and Rule 10b-5 promulgated thereunder. Plaintiffs also allege claims against defendants Stevens and Kimbrough, as control persons, for violations of Section 20(a) of the Exchange Act. Defendants deny each of the allegations. By Order dated April 11, 2005, the Court denied defendants’ Motion to Dismiss the Consolidated Complaint.

### **JOINING PARTIES AND AMENDING PLEADINGS**

The parties reserve the right to amend the pleadings and join additional parties as discovery proceeds in accordance with the Federal Rules of Civil Procedure and the Rules of this Court. The parties have discussed and agreed to the following deadline for amending the pleadings and joining additional parties: **December 31, 2005**.

### **RULE 26(a)(1) DISCLOSURE DEADLINE**

The parties have agreed to exchange written initial disclosures in compliance with Fed. R. Civ. P. 26(a)(1) by **June 15, 2005**.

### **DISCOVERY**

The parties have discussed and agreed upon the following discovery deadlines and litigation schedule:

Written Initial Disclosures	June 15, 2005
Motion for Class Certification	July 22, 2005
Opposition to Motion for Class Certification	September 2, 2005
Reply to Motion for Class Certification	October 3, 2005
Disclosure of Experts	April 21, 2006

Factual Discovery Closes	May 12, 2006
Disclosure of Expert Reports	June 1, 2006
Disclosure of Rebuttal Expert Reports	July 10, 2006
Expert Discovery Closes	August 11, 2006

### **DISPOSITIVE MOTIONS AND TRIAL**

The parties have discussed and agreed that following the close of factual discovery, they will in good faith meet and confer and propose to the Court a reasonable schedule for the filing of pretrial motions, including motions for summary judgment.

Although discovery has not commenced and the issues have not been developed as of the submission of this scheduling order, the parties anticipate that trial will last 8-10 days. Each party reserves the right to modify this estimate after the issues have been more fully developed. The parties further agree to work diligently and in good faith to prepare for a trial in **February 2007**.

### **OTHER RELEVANT MATTERS**

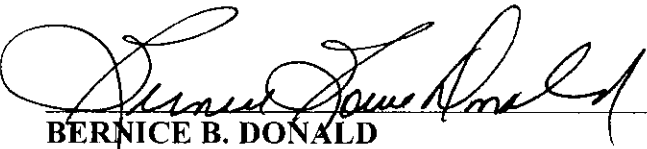
Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

The parties should conduct in-depth discovery consultations prior to filing any and all discovery motions. All motions with the exception of motions to dismiss or motions for summary judgment must be accompanied by a certificate of counsel verifying the parties' inability to resolve the dispute. The proposed joint pretrial order should include any stipulated

facts, contested issues of fact and or law, list of witnesses and exhibits and should be signed by the attorneys for all the parties.

The parties shall submit proposed jury instructions to the Court at the pre-trial conference. Failure to present the proposed instructions may be deemed a waiver with regard to presentations at a later date.

IT IS SO ORDERED this 1~~st~~ day of June, 2005.

  
BERNICE B. DONALD  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 132 in case 2:03-CV-02216 was distributed by fax, mail, or direct printing on June 6, 2005 to the parties listed.

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